



Punjab Government Gazette

EXTRAORDINARY

Published by Authority

CHANDIGARH, THURSDAY, JULY 25, 2024 (SRAVANA 3, 1946 SAKA)

GOVERNMENT OF PUNJAB

DEPARTMENT OF FOREST AND WILDLIFE PRESERVATION

NOTIFICATION

The 23rd July, 2024

No.45/24/2024-FT-4/8929

**SOP for Delineation of Forest Department and Water Resources
Department Managed Lands**

| Sr. No. | Officers Concerned | Activity by User Agency | Timeline (in days) |
|----------------|-------------------------------|--|---------------------------|
| 1. | District Forest Officer (DFO) | Identification of Recorded Forest area (RFA) along each Canal/Drain/River (in Hectare) as per following Government Records: a) Annexure –G (List submitted by the state of Punjab in T.N Godavarman Thirumulpad vs Union of India &Ors case). b) As per area recorded in the Working Plan and Area Register of the Forest Ranges of each Forest Division. | T_0 |
| 2. | XEN WRD and DFO | The details of identified RFA areas shall be shared with the concerned XEN WRD by DFO through an official communication (Letter) with intimation to the Nodal Officer at HQ appointed for this purpose at Forest Department with a copy to Range Forest Officer for coordination with WRD officials. <i>Note:-</i> <i>i. The copy of the relevant Government Record depicting Recorded Forest Area shall also be shared with XEN WRD vide this letter.</i> | $T_0 + 15$ $= T_1$ |
| 3. | XEN WRD | XEN WRD shall ensure that the Cross Sections for each Canal/Drain/River shall be prepared as per the Inter Departmental Rules and Typical Cross Sections already issued. | $T_1 + 30$ $= T_2$ |

| | | | |
|--|--|--|--|
| | | <p>The Cross Sections shall be shared with the concerned DFO's</p> <p><u>Note:-</u></p> <ol style="list-style-type: none"> i. <i>The cross sections shall be prepared as the original canal design only (i.e. design at time of construction, which in most cases is unlined or Brick lined).</i> ii. <i>The cross sections shall clearly depict the distance from canal top of lining in which plantation exists but area is not a part of Forest Department managed area (waste land).</i> iii. <i>The cross sections shall also clearly depict the distance from the last standing tree line up to the outer edge of WRD land. (i.e departmental land adjacent to farmer land which may be occupied by Farmers and no plantation exists on it)</i> iv. <i>For Canals/Drains/Rivers where available free area (waste land) calculated from cross sections is more than the area recorded as Forest in Government Records, the Canals/Drains/Rivers wise information along with cross sections shall be provided to XEN Estate, WRD by the field XEN's of WRD.</i> v. <i>For Canals/Drains/Rivers where available free area (waste land) calculated from cross sections is less than the area recorded as</i> | |
|--|--|--|--|

| | | | |
|----|-----------------|---|------------------|
| | | <p><i>Forest in Government Records, an intimation shall be sent by the concerned XEN WRD to the concerned DFO and the Nodal Officer appointed by Forest Department and WRD in Head Office. Further both the Departments Nodal Officer shall decide as per their existing legal provisions.</i></p> <p>vi. <i>Water Resources Department shall get a software prepared for recording the canal cross sections to be prepared and also the water resources Department area under forest as per Government records.</i></p> | |
| 4. | DFO | <p>After receiving the cross sections from XEN WRD, DFO shall:</p> <ul style="list-style-type: none"> i. Share the same with the Range Officers for physical verification and identification of existing trees outside the Recorded Forest Area. ii. Conduct site visits if required. iii. Call meetings with XEN WRD concerned in case of any dispute/discrepancy to resolve the issue. iv. In cases where issue is not resolved the same shall be conveyed to a nodal officer to be appointed for this purpose in Forest Head Office. | $T_2 + 15 = T_3$ |
| 6. | DFO and XEN WRD | DFO and Xen WRD shall jointly sign the finalized Cross Sections and the same shall be uploaded on the software to be prepared for this purpose. | $T_3 + 7 = T_4$ |

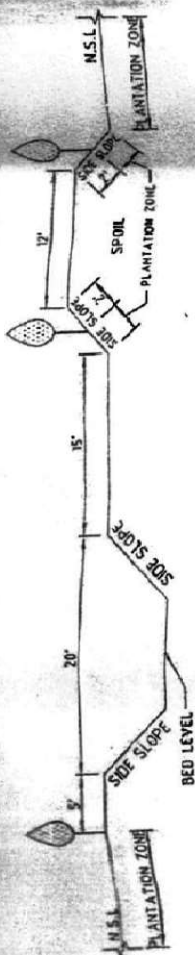
| | | | |
|----|-----|---|-----------------|
| | | <p><u>Note:</u></p> <p><i>A detailed list shall be prepared by the DFO and Xen WRD to clearly identify the following for each Canals/Drains/Rivers:</i></p> <ul style="list-style-type: none"> i. The Recorded Forest Area mandated to be under forest as per the Government records. ii. Area under illegal occupation if any. iii. Non-Plantable canal area where enumerated trees exist. iv. [Deleted] v. Additional area available for plantation in any. | |
| 7. | DFO | The detailed information as above shall be submitted to the Nodal Officer to be appointed for this purpose in forest Head Office. | $T_4 + 2 = T_5$ |

Total Number of Days: **69 days**

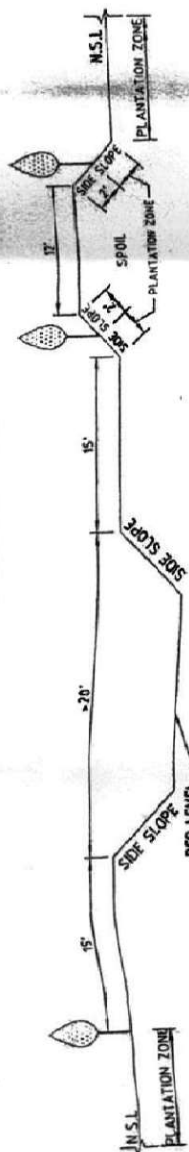
Note:

1. From the date of issuing this SOP, DFO to ensure no further plantation to be done in the non-plantable area of canal/drain/river. DFO shall share every year the site wise plantation to be carried out in the WRD land at least a month before the advance earth work.
2. DFO shall also ensure no enumeration further on the trees standing on the non-plantable area on the WRD owned land. DFO shall also share such information on the tree enumeration cycle to Xen at least a month before such enumeration.
3. The Concern Xen WRD also to be ensured the same.

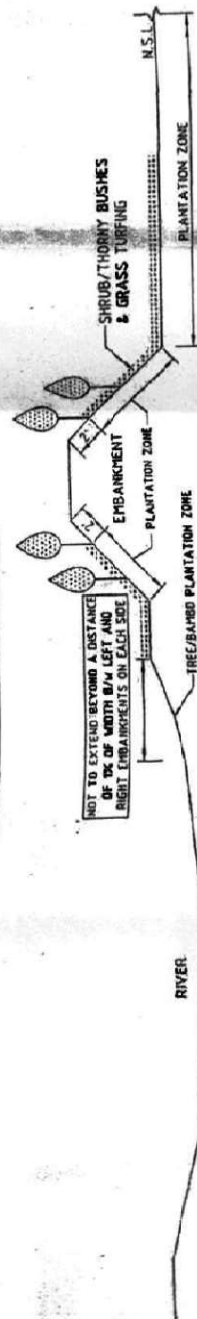
SCHEMATIC DIAGRAM FOR PLANTATION PURPOSE FOR DRAINS & RIVERS



TYPICAL X-SECTION FOR PLANTATION
(DRAINS UPTO 20' MOUTH WIDTH)



TYPICAL X-SECTION FOR PLANTATION
(DRAINS MORE THAN 20' MOUTH WIDTH)



TYPICAL X-SECTION FOR PLANTATION
(RIVER SUCH AS SUTLEJ/RAVI/BEAS)

ESPECIALLY DURING DRY PERIODS, TO PROMOTE HEAVY
GROWTH AND DEVELOPMENT OF THE PLANTS INTO
CONSIDERATION OF THE SAFETY OF THE ENVIRONMENT.
ADDITIONAL ENDS CONTROL MEASURES SHOULD BE
TAKEN SUCH AS ENDS CONTROL BLANKETS
VEGETATIVE COVER OR RIPRAP IN AREAS WHERE
THE PLANT IS PARTICULARLY VULNERABLE TO ENDS.
DRAINAGE SHALL BE PAID TO THE LACED LANDING
OF THE ENVIRONMENT AND RE-MODELING OF DROPS BEING
PLANTATION.
IN CASE OF FUTURE RE-MODELING, STRENGTHENING
RAISING OF ENHANCEMENTS IS REQUIRED, FARTHEST
DEPARTMENT SHALL HAVE NO OBJECTION TO IT.

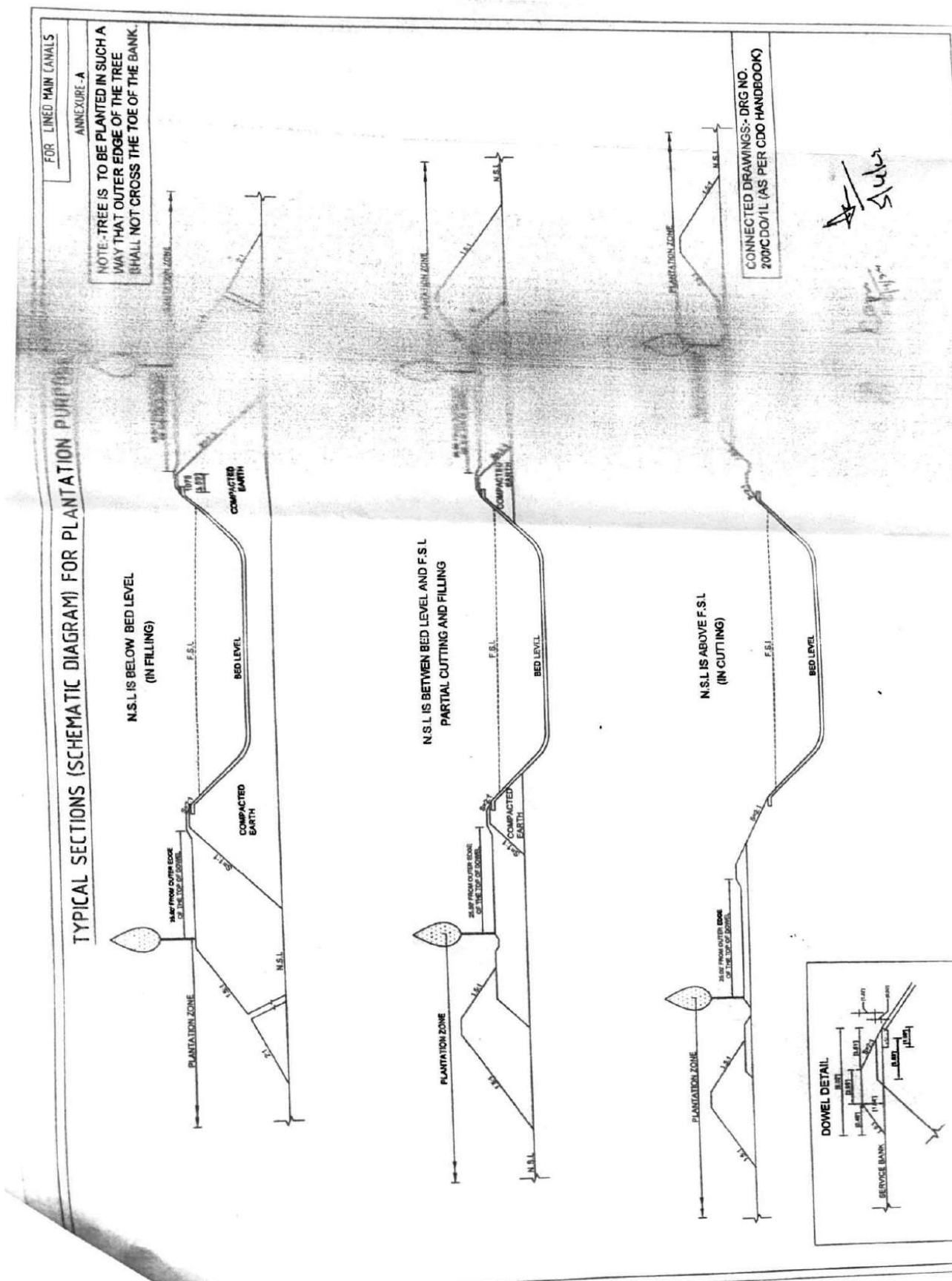
[illegible][illegible]

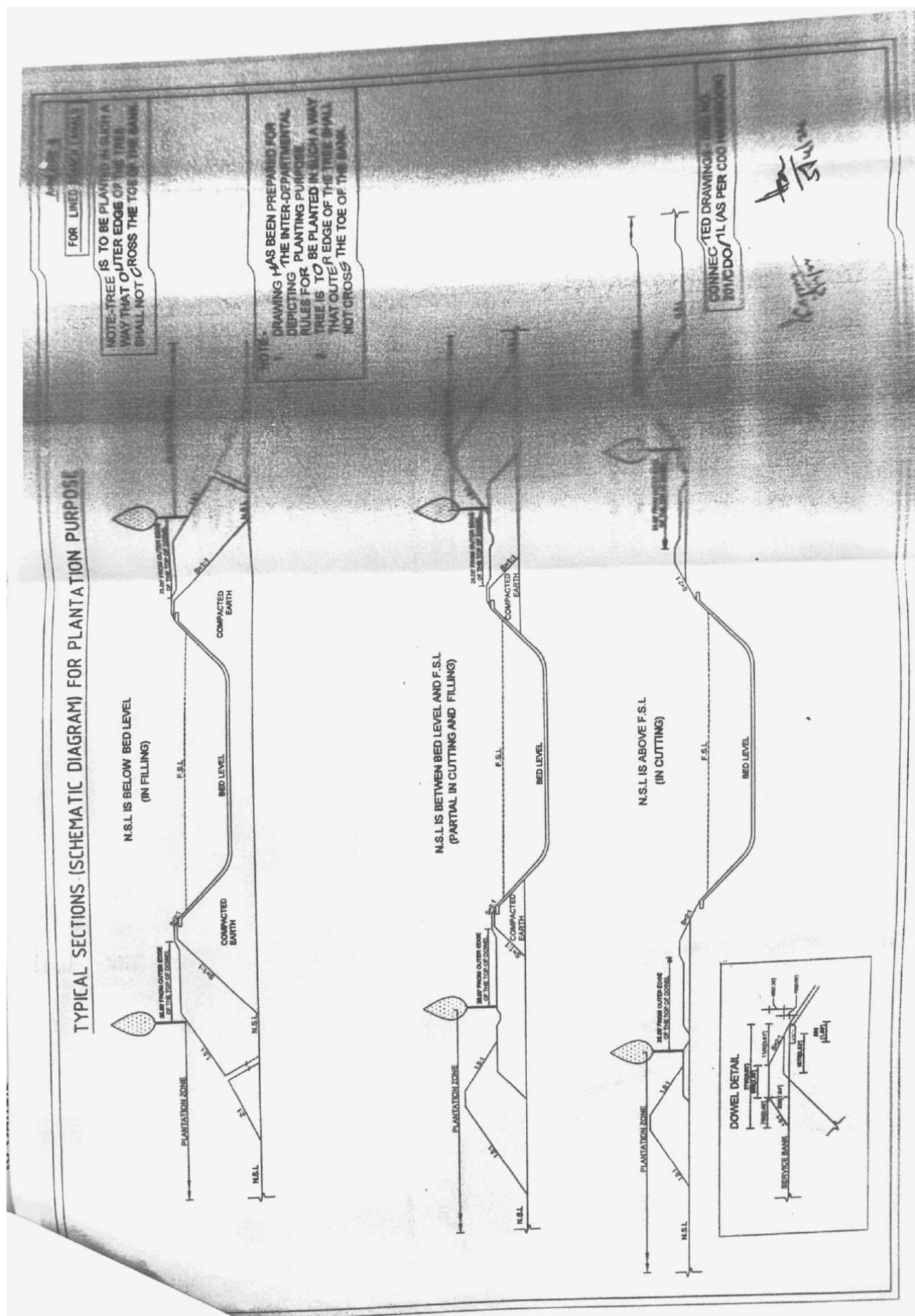
IMPORTANT NOTE

DRAWING IS PREPARED ON THE BASIS OF ORIGINALLY
TAKEN BY COMMITTEE OF CHIEF ENGINEERS, BANGKOK
LETTER NO. 158-15/05/152/83 DATED 15.6.83 AND
MINUTES OF MEETING OF COMMITTEE, 15/05/83
22/08/83 (ON MINING & GEOLOGY WORK) AND (NO LETTER
NO. 744/DRAINAGE & FLOODS, DATED 15.6.83).

Handwritten notes on lined paper:

- Top left: $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
- Center: $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
- Bottom center: $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
- Bottom right: $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$



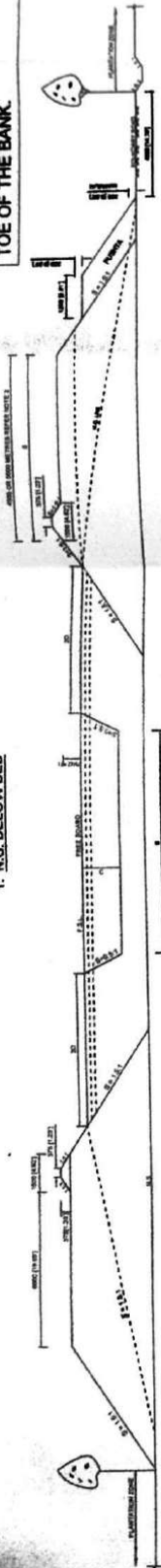


TYPICAL SECTIONS (SCHEMATIC DIAGRAM) FOR PLANTATION PURPOSE

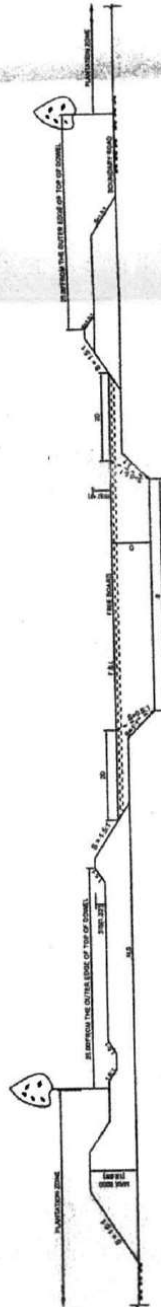
ANNEXURE - C
FOR UNLINED MAIN BRANCH
CANALS

NOTE:- TREE IS TO BE PLANTED IN
SUCH A WAY THAT OUTER EDGE OF
THE TREE SHALL NOT CROSS THE
TOE OF THE BANK.

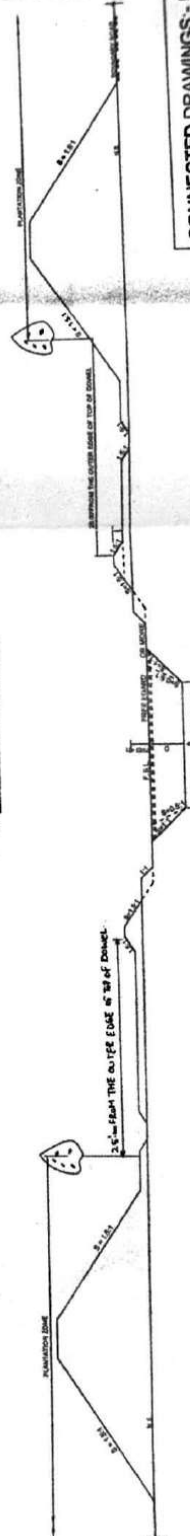
1. N.S. BELOW BED



2. N.S. BETWEEN BED & F.S.L.



3. N.S. ABOVE BED & F.S.L.



CONNECTED DRAWINGS:- DRG NO.
RC/L/S/28 (AS PER CDO HANDBOOK)

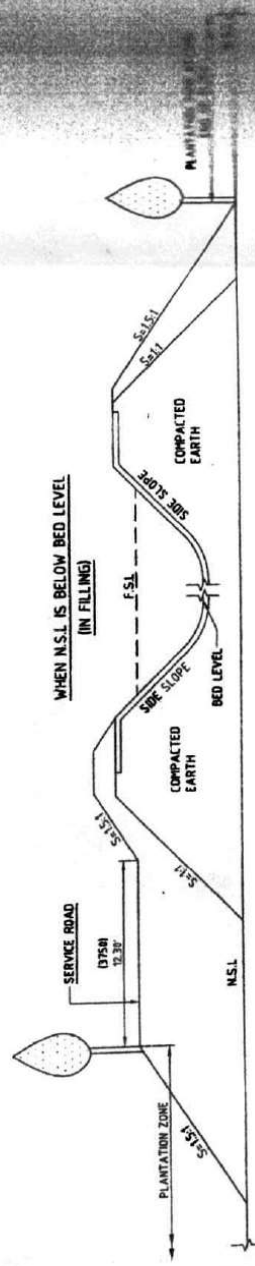
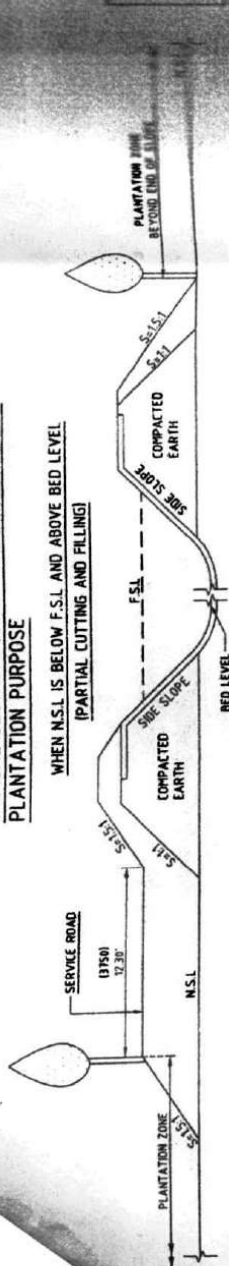
for
for
for

ANNEXURE-D

FOR LINED DISTRIBUTORIES/MINORS

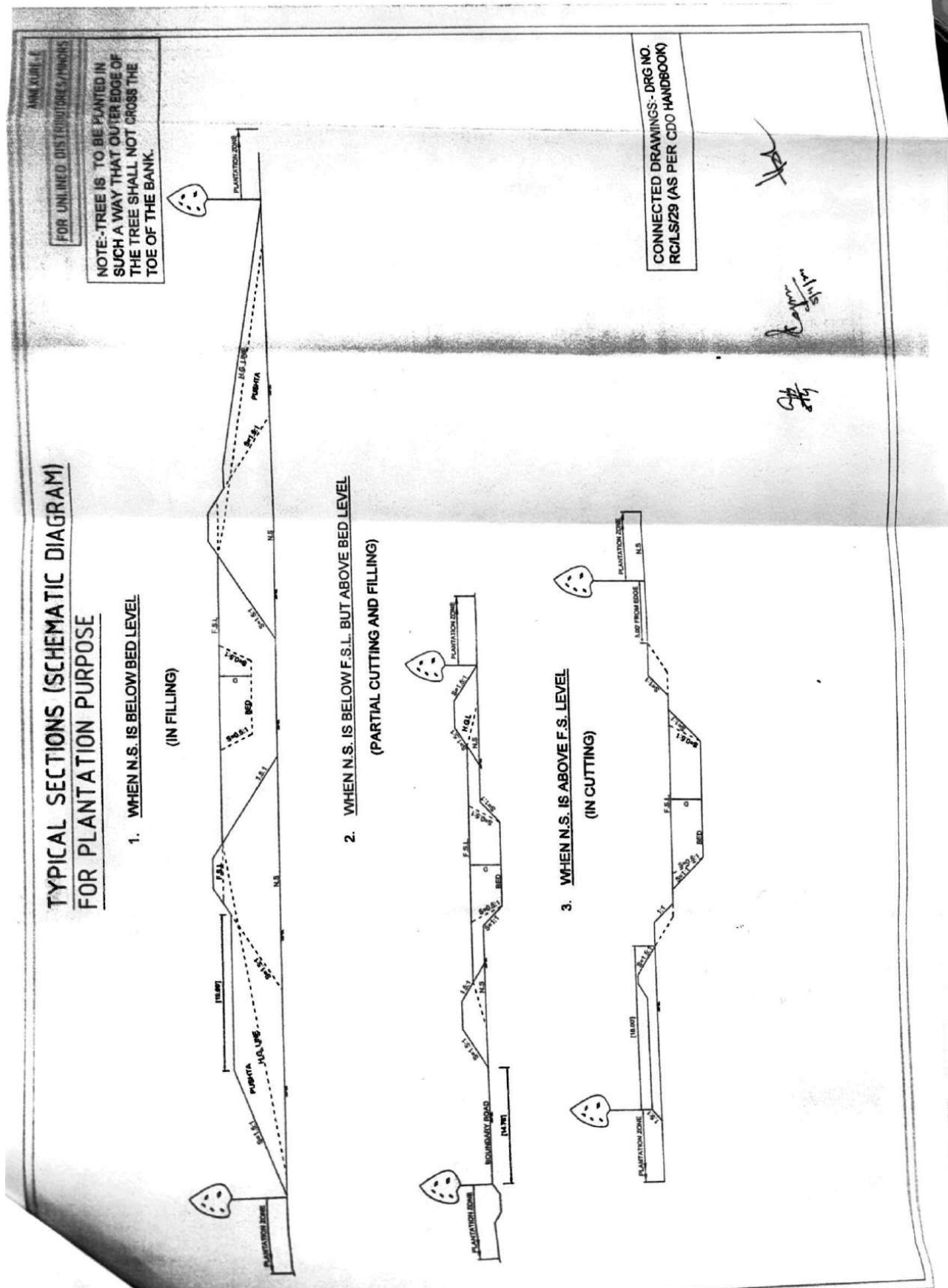
NOTE-TREE IS TO BE PLANTED IN SUCH A WAY THAT OUTER EDGE OF THE TREE SHALL NOT CROSS THE TOE OF THE BANK.

TYPICAL SECTIONS (SCHEMATIC DIAGRAM) FOR PLANTATION PURPOSE



CONNECTED DRAWINGS:- DRG NO. 238/CDO/1L AND 239/CDO/1LAS PER (CDO HANDBOOK)

for Gulian

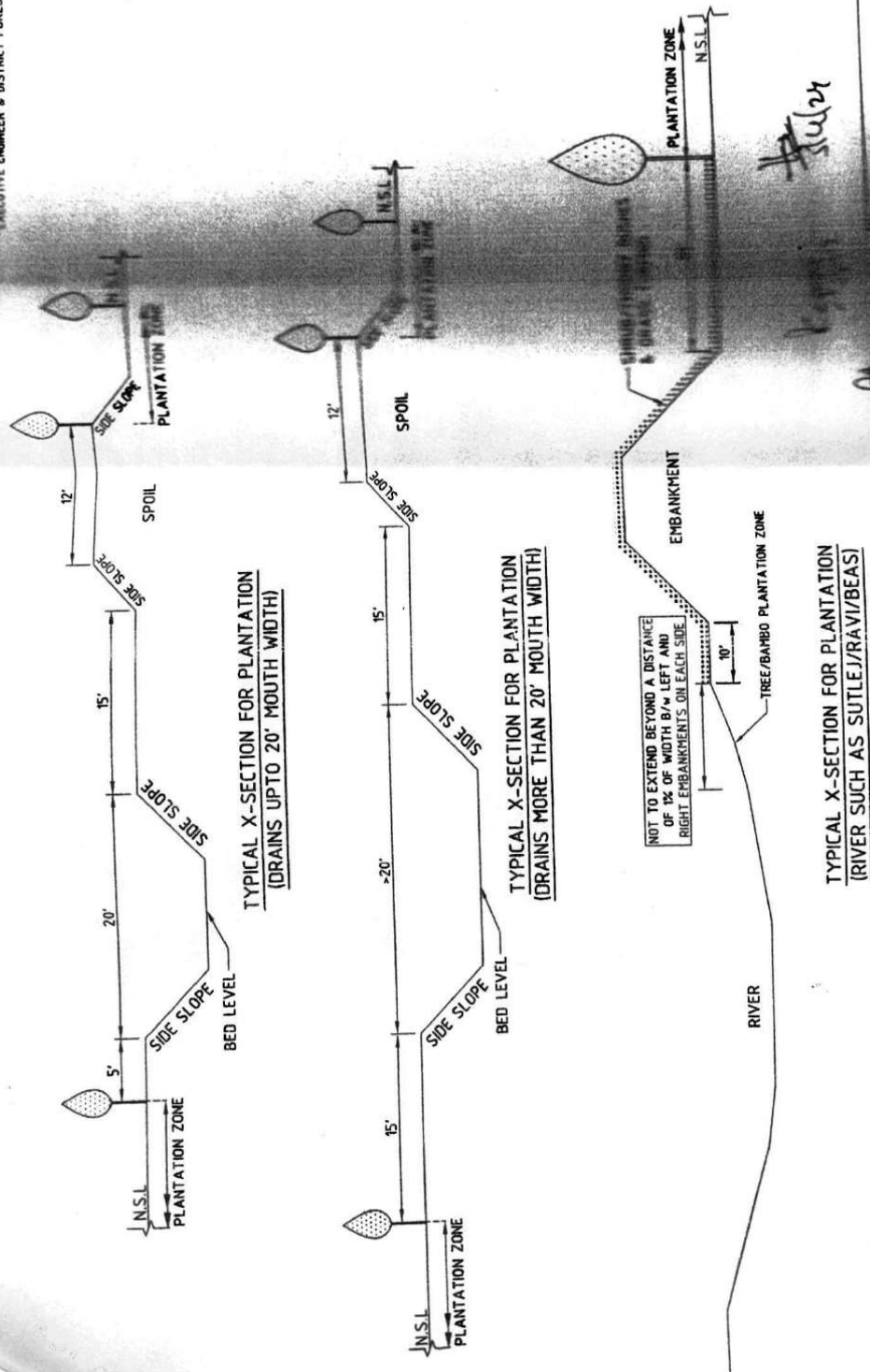


ANNEXURE - I

NOTE:

EXCEPTIONAL CASES OF PARTIAL FILLING DECISION AS PER SITE WOULD BE TAKEN BY CONCERNED EXECUTIVE ENGINEER & DISTRICT FOREST OFFICER.

SCHEMATIC DIAGRAM FOR PLANTATION PURPOSE FOR DRAINS & RIVERS



SOP for new plantation to be carried out by Forest Department adjacent to Canals:

| Sr. No. | Officer | Action taken |
|---------|--------------------------------------|--|
| 1. | District Forest Officer (DFO) | DFO shall intimate the concerned Executive Engineer Canals about plantation plan for each canal at least one month in advance. |
| 2. | Executive Engineer Canals | <ol style="list-style-type: none"> 1. Executive Engineer Canals will prepare RD wise typical cross section for each such canal within 7 days of receiving information of Plantation plan from DFO. 2. The first step is to check the areas as per: <ol style="list-style-type: none"> a. Annexure-G submitted in the supreme court in the case of T.N Godavarman Thirumulpad vs Union of India & Ors. b. Working Plan. 3. The cross-sections shall be prepared at: <ol style="list-style-type: none"> (a) An interval of every 1000 ft length (b) At critical points where there is change in NSL (c) Where canal cross section changes due to discharge. <p>Note: The typical cross-sections have been issued by Department of water Resource vide letter no. 1285-86/D4 dated 26/04/2024. (Annexure-B)</p> |
| 3. | Executive Engineer Canals | <p>The plantation on the canal land shall be done keeping in view the inter departmental Rules, relevant portion of it is reproduced as detailed below:</p> <p><i>“Distance of the shade/line or edge of plantation from the motor road. It is necessary to prevent the shade line or other trees on the edge of a plantation from being planted at a distance of 25 feet from the toe of daula. Where the available width of the Land is such that a shade line, if planted, would have to be nearer than 25 feet to the toe of the dower the Divisional Forest Officer must consult the Executive Engineer, before deciding whether to plant trees or not.”</i></p> <ol style="list-style-type: none"> a. Executive Engineer Canals will mark the exact distance from top of lining on the cross-section |

| | | |
|---|---|---|
| | | <p>prepared (RD wise) of each canal where plantation is to be carried out.</p> <p>b. In cases where canal land available is less than 25 ft (such as minor or distributaries), the proposed plantation shall be allowed only from the outer edge of the non-motorable road up till the land boundary of the department, including the outer canal slopes.</p> <p>c. While finalizing the area where plantation is to be done the Executive Engineer shall also record the allowed plantation length as per table attached as Annexure A.</p> <p>Note 1: For identification of the outer limits of canal land width, the Department of Water Resources (WRD) may assist the Forest Department for carrying out demarcation.</p> <p>Note 2 : The new plantation area shall be highlighted with different colour or nomenclature than existing plantation on typical cross section area.</p> |
| 4 | Executive Engineer Canals | Once the cross-sections are finalised the same shall be provided to concerned DFO. |
| 5 | 1. Range Officer, Forest 2. Sub-Divisional Officer, WRD | <p>Joint visit of Range Officer and concerned Sub-Divisional Officer to physically demarcate the plantation area of the canal.</p> <p>Note:</p> <ol style="list-style-type: none"> 1. The date of such visit shall be communicated in writing by DFO. 2. DFO and Executive Engineer, WRD may also visit the site if desired. |
| 6 | 1. Range Officer 2. Sub-Divisional Officer 3. DFO 4. Executive Engineer, WRD | <p>Once the area is demarcated after joint visit the canal cross section and the table of plantation details (Annexure A) shall be countersigned by Range Officer, Sub-Divisional Officer, DFO and Executive Engineer.</p> <p>Note: The above record shall be placed on an online server and shall be accessible to all concerned officials of both the Departments.</p> |
| 7 | 1. Junior Engineer | At the time of plantation, the Junior Engineer from Department of Water Resources and Block Officer from Forest Department |

| | |
|------------------------------------|--|
| 2.Block Officer, Forest | shall ensure that plantation is being carried out in the designated area only. |
|------------------------------------|--|

Note: Once this procedure is in place, the forest Guard and Beldaar, Mate of Department of Water Resources shall mutually assist each other in carrying out inspections.

Annexure-A

| S. No. | RD of Canal (Range from and to) | Distance from top of lining where plantation is to be started (Left side) | Distance from top of lining where plantation to be started (Right side side) |
|--------|---------------------------------------|---|--|
| (1) | (2) | (3) | (4) |
| | | | |
| | | | |

Minal

D

to f.

"Annexure B"

No. 1285-86/D4/D&F

Date: 26/04/2024

From

Chief Engineer/Drainage-cum-Mining & Geology,
Water Resources Department, Punjab,
Chandigarh.

To



1. All Superintending Engineers, WRD Punjab.
2. All Executive Engineers, WRD Punjab.

Subject : New Plantation along Canals and Rivers of Punjab.

Ref: Chief Engineer/Design, WRD, Punjab letter No. 1700/DS/2024/DD-2 dated 19/04/2024

In reference to the subject cited above, the revised typical section showing the plantable areas was received under reference and is attached along with this letter. These sections supersede the earlier issued cross section.

Enclosed: As above.


Chief Engineer/Drainage-cum-
Mining & Geology, Water Resources
Department Punjab,
Chandigarh 

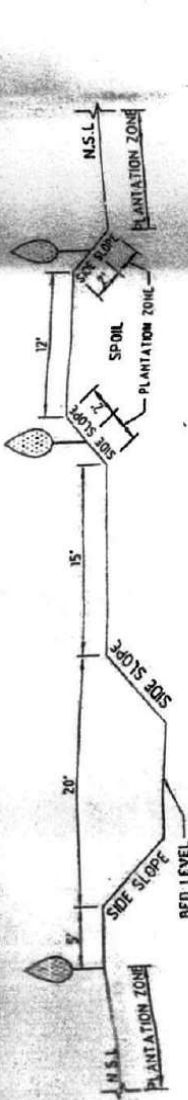
Copy:

1. Principal Secretary, Water Resources Punjab, for information.
2. Sh. Basanta Raj Kumar, IFS, CCF (FCA).
3. Chief Engineer/Canals.
4. XEN/Drainage-1 for further necessary action.

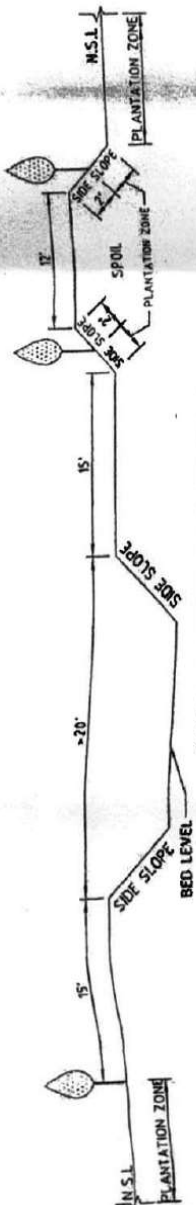
SCHEMATIC DIAGRAM FOR PLANTATION PURPOSE FOR DRAINS & RIVERS

NOTE
1. EXCEPTIONAL CASES OR PARTIAL PLANTING
AS PER SITE CONDITIONS SHALL BE TAKEN BY THE
EXECUTIVE ENGINEER & DISTRICT FOREST OFFICER

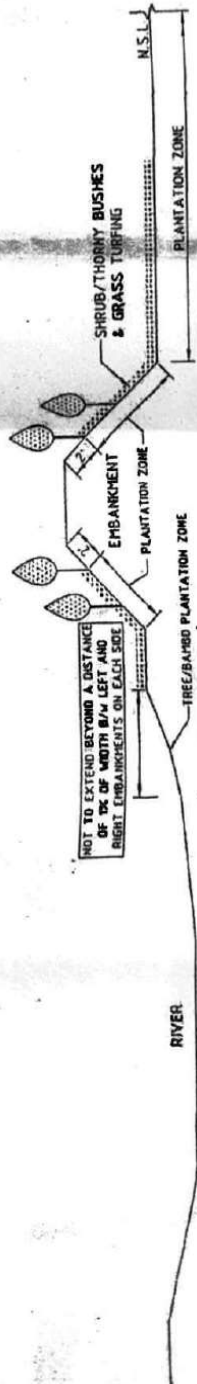
IMPORTANT NOTE
DRAWING IS PREPARED ON THE BASIS OF
TAKEN BY COMMITTEE OF CHIEF ENGINEERS, BOMBAY
LETTER NO. 2584-75/08/25/22 DATED 25.12.2011 AND
MINUTES OF MEETING OF COMMITTEE, BOMBAY
CE/ONG CONTINUING & GEOLOGY WERE ON 10th LETTER
NO. 2584/08/25/22 & 11/08/22 DATED 25.12.2011



TYPICAL X-SECTION FOR PLANTATION
(DRAINS UP TO 20' MOUTH WIDTH)



TYPICAL X-SECTION FOR PLANTATION
(DRAINS MORE THAN 20' MOUTH WIDTH)



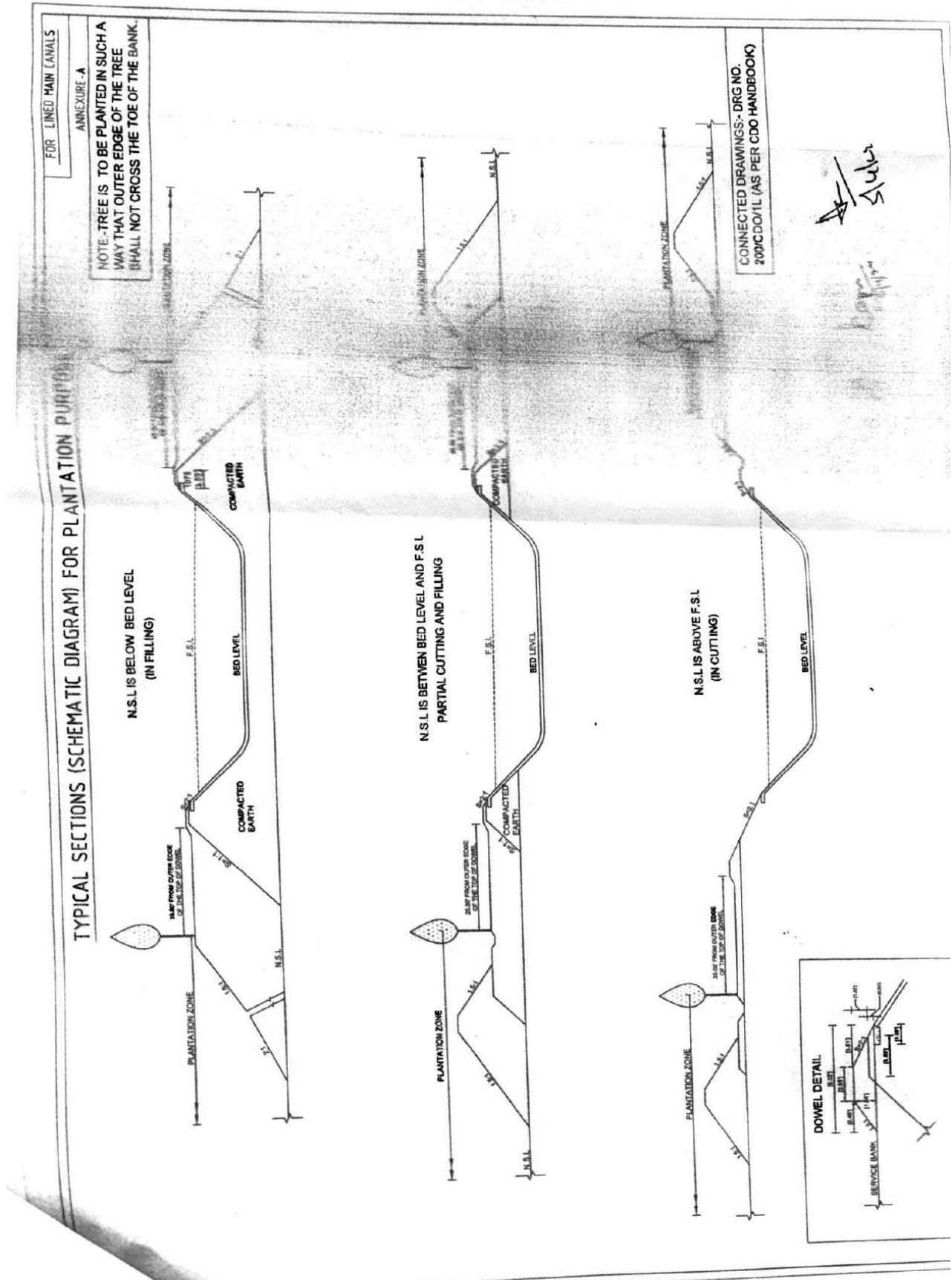
TYPICAL X-SECTION FOR PLANTATION
(RIVER SUCH AS SUTLEJ/RAVI/BEAS)

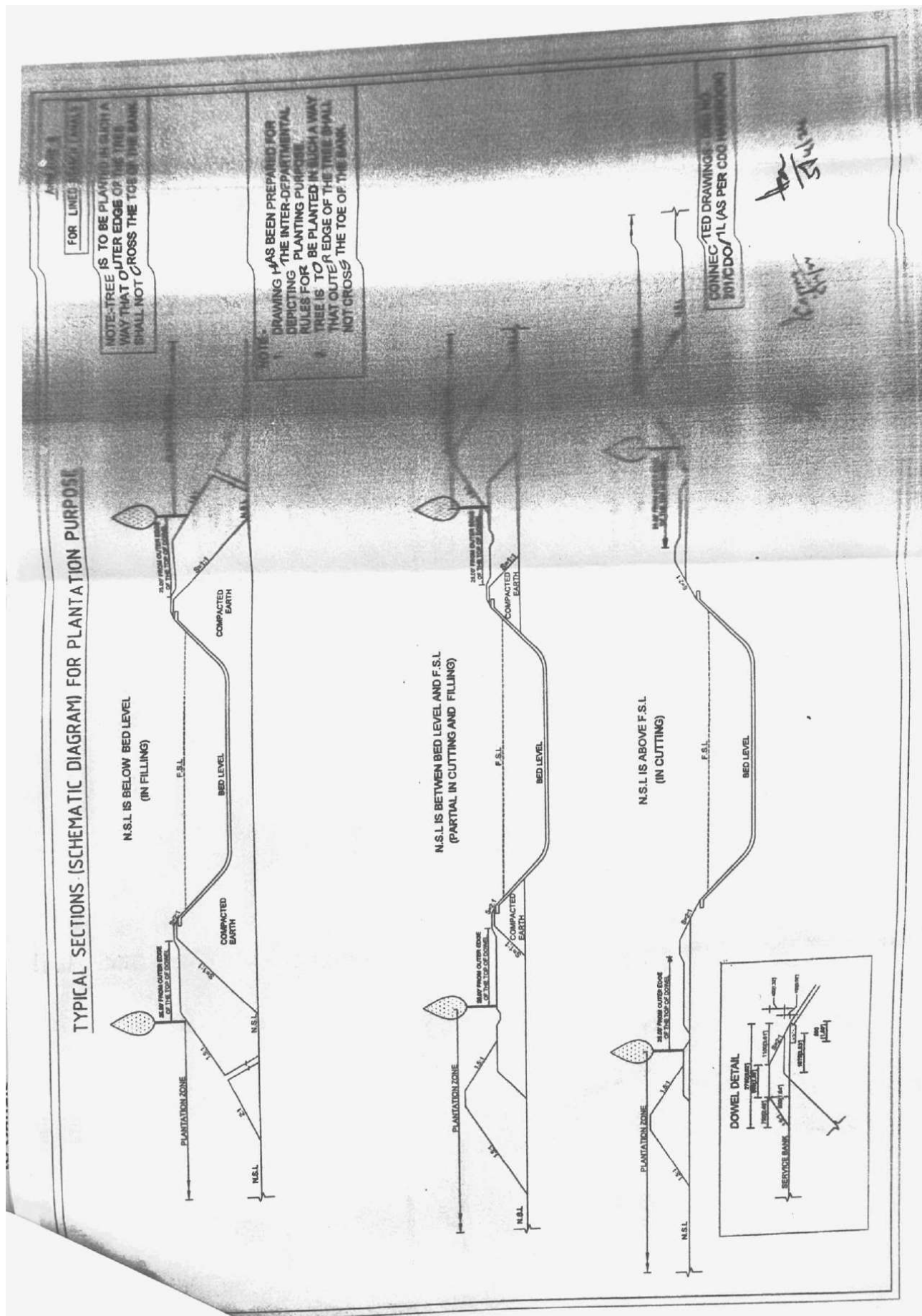
ESPECIALLY DURING DRY PERIODS, TO PROMOTE HEALTHY
AND ROOT DEVELOPMENT PLANTS SHOULD BE
CONSIDERATION THE SAFETY OF BANKS/EMBANKMENTS
ADDITIONAL EROSION CONTROL MEASURES SHOULD BE
TAKEN SUCH AS CRIPPLES, CONCRETE BLANKETS
VEGETATIVE COVER OR RIPRAP IN AREAS WHERE THE
EMBANKMENT IS PARTICULARLY VULNERABLE TO EROSION.
DUE ATTENTION SHALL BE PAID TO THE LAKELY-RAISING
OF EMBANKMENTS AND RE-MODELING OF DRAINS BEFORE
PLANTATION.
FUTURE RE-MODELING, STRENGTHENING &
EMBANKMENTS IS REQUIRED. FOREST
DEPARTMENT SHALL HAVE NO OBJECTION TO IT.

SPECIAL NOTES:
1. TREES OR PLANT SPECIES SHOULD BE SUCH CHOSEN
THAT HAVE DEEP ROOTS AND ARE SUITABLE FOR
STABILIZING EROSION WITHOUT CAUSING COMPETITION FOR
SPACING. OVERGROWING AND THE EMBANKMENT.
SPECIES WHICH CAN WEAR AND TEAR OF BRANCHES
POTENTIAL HAZARDS FROM FALLING INSPECTION OF THE
TREES SHOULD BE DONE AND PREPARING FOR SIGNS OF
OR DEAD VEGETATION.
WATERING OF TREES SHOULD BE DONE IN SUCH A WAY

Handwritten signatures and initials:
Kam
10/11/2024
10/11/2024

5





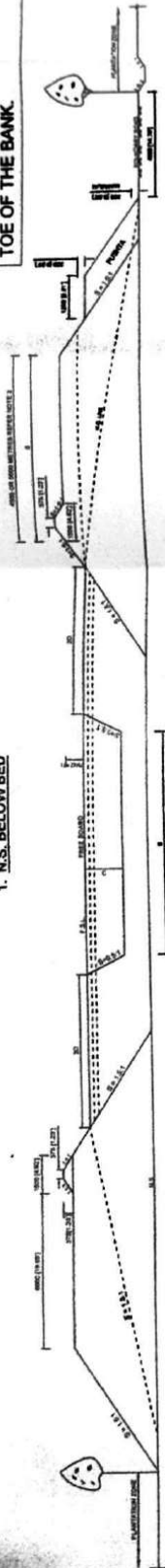
**TYPICAL SECTIONS (SCHEMATIC DIAGRAM)
FOR PLANTATION PURPOSE**

ANNEXURE - C

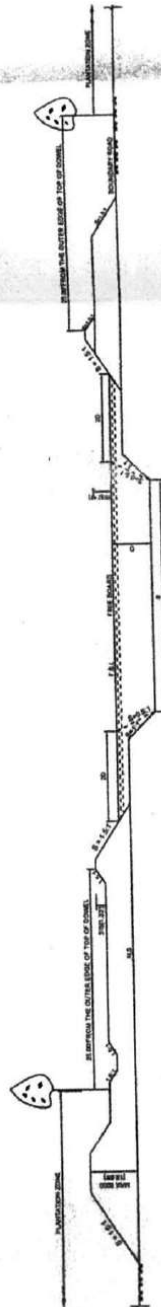
FOR UNLINED MAIN BRANCH
CANALS

NOTE:- TREE IS TO BE PLANTED IN
SUCH A WAY THAT OUTER EDGE OF
THE TREE SHALL NOT CROSS THE
TOE OF THE BANK.

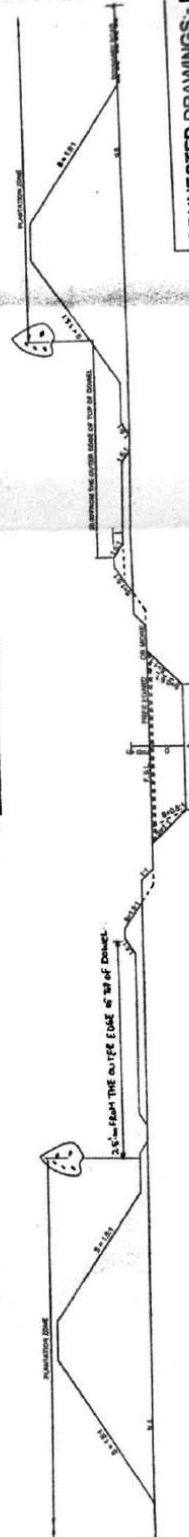
1. N.S. BELOW BED



2. N.S. BETWEEN BED & F.S.L.



3. N.S. ABOVE BED & F.S.L.



CONNECTED DRAWINGS:- DRG NO.
RC/L/S/28 (AS PER CDO HANDBOOK)

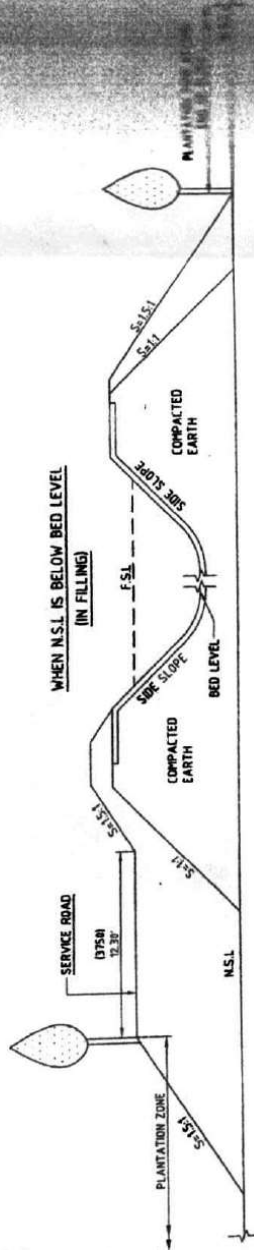
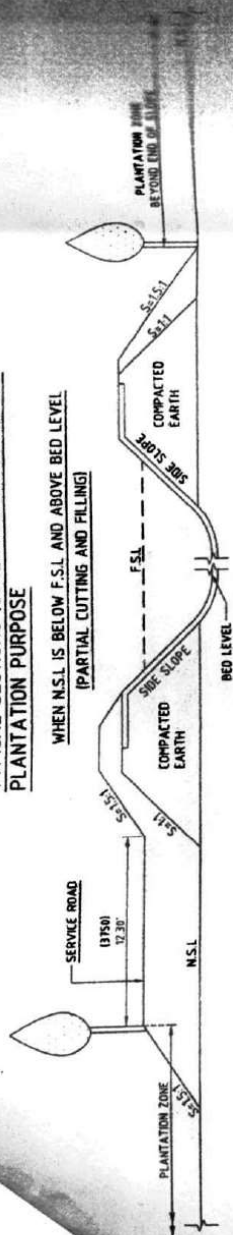
Handwritten signature
24/12

ANNEXURE-D

FOR LINED DISTRIBUTORIES/MINORS

NOTE:- TREE IS TO BE PLANTED IN SUCH A WAY THAT OUTER EDGE OF THE TREE SHALL NOT CROSS THE TOE OF THE BANK.

TYPICAL SECTIONS (SCHEMATIC DIAGRAM) FOR PLANTATION PURPOSE



CONNECTED DRAWINGS:- DRG NO.
238/CDO/1L AND 239/CDO/1L/AS PER
CDO HANDBOOK

Handwritten signature
Sulim

TYPICAL SECTIONS (SCHEMATIC DIAGRAM) FOR PLANTATION PURPOSE

ANNEXURE I
FOR UNLINED DISTRIBUTORIES/CHANNELS

NOTE:- TREE IS TO BE PLANTED IN SUCH A WAY THAT OUTER EDGE OF THE TREE SHALL NOT CROSS THE TOE OF THE BANK.

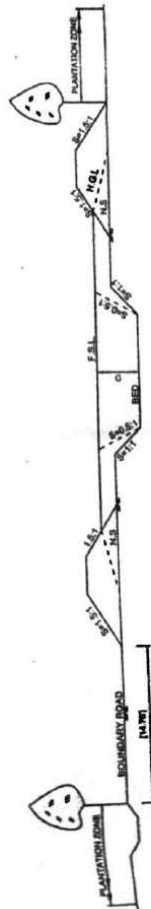
1. WHEN N.S. IS BELOW BED LEVEL

(IN FILLING)



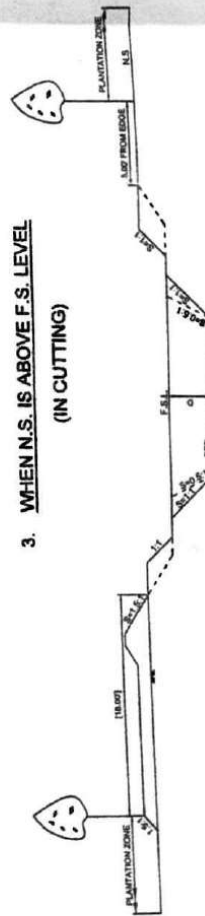
2. WHEN N.S. IS BELOW F.S.L. BUT ABOVE BED LEVEL

(PARTIAL CUTTING AND FILLING)



3. WHEN N.S. IS ABOVE F.S. LEVEL

(IN CUTTING)



CONNECTED DRAWINGS:- DRG NO. RCL/S/29 (AS PER CDO HANDBOOK)

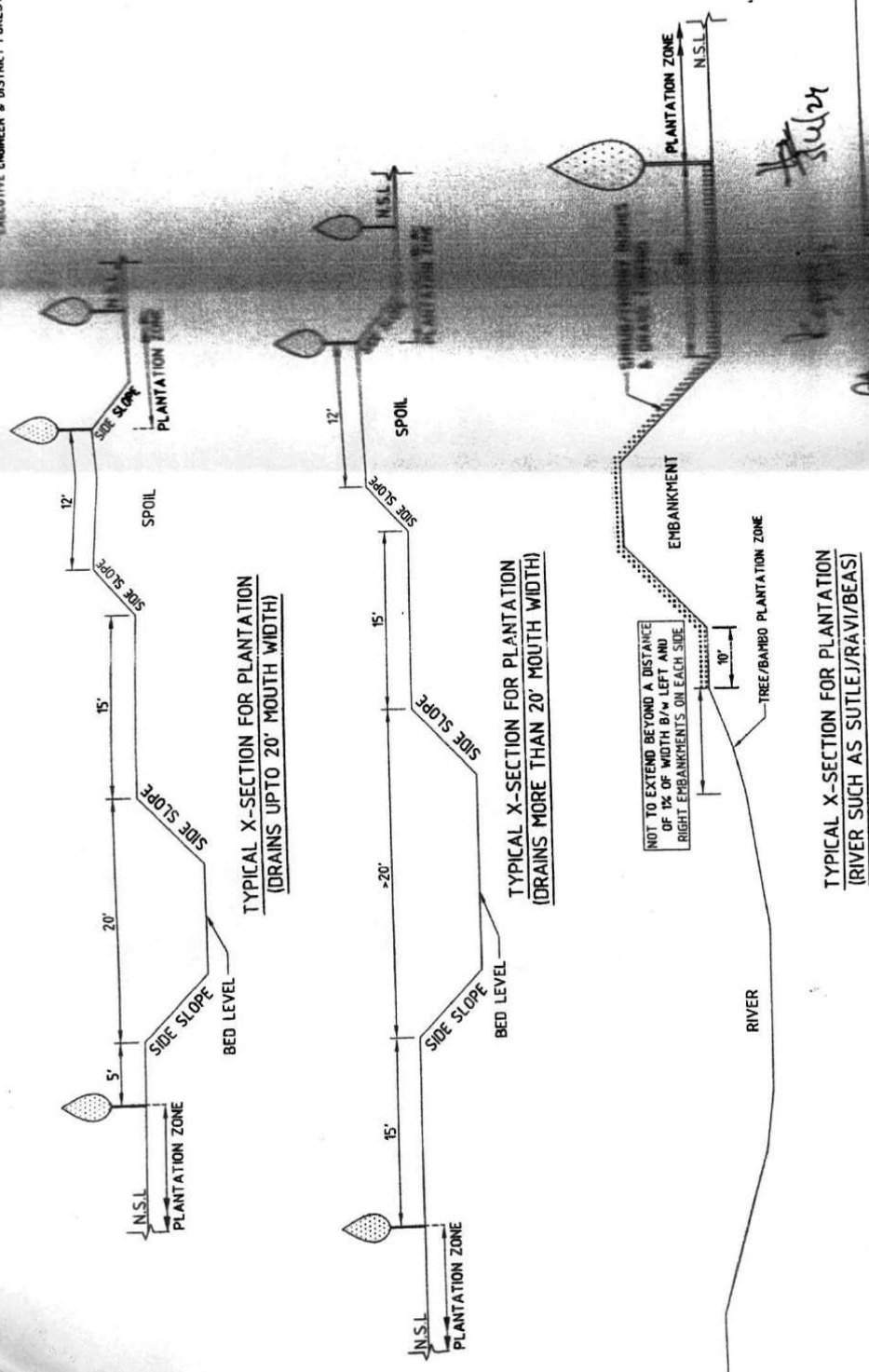
Handwritten signatures and initials.

SCHEMATIC DIAGRAM FOR PLANTATION PURPOSE FOR DRAINS & RIVERS

ANVIL-EXE-1

NOTE:

EXCEPTIONAL CASES OF PARTIAL FILLING DECISION AS
PER SITE WOULD BE TAKEN BY CONCERNED
EXECUTIVE ENGINEER & DISTRICT FOREST OFFICER.



SOP for Applying and Processing of FCA Case

| Sr. No. | Activity | Timeline (in days) |
|----------------|--|---------------------------|
| 1. | <p>User Agency shall submit hard copy of application with Approved Map and area Calculation in Divisional Forest Office for FCA Case.</p> <p>(Note: While guidelines of GoI says no hard copy is required, at least one hard copy of the application and supporting documents is needed as DFO has to countersign those documents)</p> | T_0 |
| 2. | <p>Scrutiny of Documents and Approved map with area calculation in DFO Office.</p> <p>If found correct DFO shall convey to the user agency:</p> <ul style="list-style-type: none"> (a) The checklist of documents required for proposal to be uploaded online. (b) Directions for joint site visit by Range Officer (RO) and User agency. <p>A letter in this regards shall be sent to User Agency with copy to Range Officer indicating:</p> <ul style="list-style-type: none"> i. Contact numbers of RO and Sub Divisional and Divisional Rank officer of User Agency. (in case of Government Departments) ii. Clear date by which the report of Joint visit is to be submitted. | $T_0 + 3 = T_1$ |
| 3. | <p>A joint site visit with the user agency will be conducted by the concerned Range Officer, based on which a marking list of trees, poles and plants affected in the case will be prepared, area required by UA will be verified, will examine if violation has already taken place or not, etc.</p> <p>Note:</p> <ul style="list-style-type: none"> i. Officer of rank of Sub division in-charge (concerned Department) shall accompany range officer during joint visit in cases where Government is the User Agency. | $T_1 + 5 = T_2$ |

| | | |
|----|--|------------------|
| | <p>ii. In the case of all Govt cases, the joint inspection shall be done by the DFO himself along with the concerned RO and representatives of the UA</p> <p>iii. Once the area is finalized during the joint visit of DFO & User Agency, and accordingly the case has been applied online and Fee/charges deposited as per the Demand Notice issued by DFO, the area shall not be changed, except in rare and exceptional cases for which explanation shall be given by the DFO and the UA (if the change is made by the UA).</p> | |
| 4. | <p>After receiving the report of the Range Officer a Demand letter shall be issued by Divisional Forest Officer to the User Agency clearly indicating various fees/charges such as:</p> <p>(a) Marking Fees</p> <p>(b) GPM Fees</p> <p>(c) Processing Fees</p> <p>Note:</p> <p>i. A software shall be prepared by the forest department for internal monitoring of this initial manual process till fee is deposited.</p> <p>ii. The rates of charges/fee shall be applicable as notified by the Government from time to time.</p> | $T_2 + 2 = T_3$ |
| 6. | <p>After receiving the demand letter, User Agency shall:</p> <p>(a) Pay all the fees in Bank and deposit Challan in the Divisional Forest Office.</p> <p>(b) Apply FCA Case online and upload all documents on Parivesh 2.0 Portal.</p> <p>Note:</p> <p>i. User agency shall be bound to apply the case online on Parivesh portal within 15 working days from date of deposit of requisite Fee/Charges.</p> <p>ii. In case the application is not received on the online portal within this stipulated period the application shall be deemed to be rejected.</p> | $T_3 + 15 = T_4$ |

| | | |
|----|---|-----------------|
| 7. | <p>DFO shall scrutinize the case submitted by User Agency and will also conduct site inspection.</p> <p>Simultaneously, Part-2 and CA estimate and report will be made by Divisional Forest Officer.</p> <p>After Scrutiny and site inspection, if the proposal is complete in all respects, the case and all documents will be upload by DFO and case sent to Nodal Officer Level.</p> <p>If any type of deficiencies are found, EDS shall be raised to the User Agency.</p> <p><u>Note:</u></p> <ol style="list-style-type: none"> In Government cases if any EDS is raised a compulsory meeting shall be arranged with the User Agency to convey and resolve such Discrepancies. DFO office shall ensure that EDS is raised only once. Further EDS can only be raised if the replies to the original EDS is incomplete or not satisfactory. If any fresh EDS are to be raised DFO has to take approval from the Nodal Officer and for which explanation for the same may be sought by the Government. | $T_4 + 7 = T_5$ |
| 9. | <p>Scrutiny of case by Nodal Officer. If everything is found correct then it will be sent to Government for approval.</p> <p>If there is any deficiency, EDS shall be raised and sent back to DFO.</p> <p><u>Note:</u></p> <p>As far as possible, all the discrepancies shall be raised in single EDS and multiple fresh EDS are to be avoided.</p> | $T_5 + 5 = T_6$ |

| | | |
|-----|--|------------------------|
| 10 | <p>Scrutiny of case by Govt (Secretariat & Minister). If everything is found correct then:</p> <p>i) Stage 1 approval shall be issued if the case is covered under General Approval or comes under amended Act involving 0.1ha or less area</p> <p>ii) Forwarded to the Regional Office, if not covered under point i) above.</p> <p>If there is any deficiency or observation, EDS to be raised.</p> <p>Note:</p> <p>As far as possible, all the deficiencies/observations shall be raised in single EDS and multiple fresh EDS are to be avoided.</p> | $T_6 + 10 = T_7$ |
| 11. | EDS at DFO Level shall be replied within 2 days by the DFO. | $T_7 + 2 = T_8$ |
| 12. | <p>If EDS is at User Agency level then the case will be sent to User Agency and the User agency shall reply within 7 working days.</p> <p>Note:</p> <p>In case the reply to the EDS is not received on the online portal within this stipulated period the application shall be deemed to be rejected.</p> | $T_7 + 7 = T_9$ |
| 13 | <p>For cases forwarded to IRO the time prescribed by Gol for examining and giving Stage 1 approval is</p> <ul style="list-style-type: none"> • 15 days for area upto 5 ha, • 35 days for area 5-40 ha and • 50 days for area more than 40 ha | $T_7 + T_n = T_{n1}$ |
| 14. | After receiving Stage-I letter, DFO shall send demand letter to User Agency for deposition of fees and compliance of conditions given in Stage I approval. | $T_7 + 2 = T_{10}$ |
| 15. | After receiving the Stage I approval and Demand Letter from DFO, the UA shall comply with all the conditions of Stage I, including depositing all fees, submission of | $T_{10} + 15 = T_{11}$ |

| | | |
|-----|---|------------------------|
| | all original documents etc and the same shall be uploaded to Parivesh and send to the DFO. | |
| 16. | <p>DFO shall examine the Compliance report of UA including Documents and Challans and other conditions. If the proposal is complete, he will recommend the case for Stage II and send to Nodal Officer.</p> <p>In case of any discrepancy, DFO shall send case to User Agency Level for removal of observations.</p> | $T_{11} + 3 = T_{12}$ |
| 17. | <p>The Compliance report shall be examined at Nodal Office and if the compliance report is complete in all respects,</p> <p>i) Stage II approval shall be granted (in case of General Approvals and cases coming under 0.10 ha of new amended Act), or</p> <p>ii). Send the case to IRO for Stage II approval.</p> <p>In case of deficiencies, EDS shall be raised.</p> | $T_{12} + 3 = T_{13}$ |
| 18 | For cases forwarded to IRO the time prescribed by Gol for examining and giving Stage II approval is 20 days | $T_{13} + 20 = T_{14}$ |

Important Notes:

1. Timeline when Approval Authority is the State Govt

- Total days upto demand letter of fees/charges: 10 days.
- Total days from payment to Stage-1 NOC: 22 days
- Total days for Stage 2 NOC after depositing all fees and documents: 6 days

(Assuming the application received is complete in all respects and no EDS are raised at any level)

2. Project Screening Committee (PSC):

- If the area to be diverted is 5 ha or more, then the proposal is first examined by the state level Project Screening Committee (PSC) for technical feasibility and completeness.
- If there are any observations in the first PSC Meeting, the UA has to remove them before the next PSC Meeting. If the issues persists even after the second PSC Meeting, the case shall be rejected.

3. Non Forest Land NFL

- If the area to be diverted is 1ha or more, than the UA has to give equivalent Non Forest Land (NFL) in lieu of the forest area diverted.
- Such NFL should be suitable for planting and develop into a forest of a minimum canopy density of 0.4 after 5 years of Compensatory Afforestation
- Land Suitability Certificate for the NFL shall be issued
 - By the concerned DFO after site inspection and verification on the ground, in the case of Govt projects
 - By a Committee established by the Govt, over and above the certificate being issued by the DFO, in the case of Private Projects
- Such NFL
 - Should be adjacent to an existing notified forest (other than roadside strip forest) if the area is less than 5ha
 - Can be an independent, isolated patch if the area is 5ha or more
- For Stage I approval, only an undertaking to provide NFL (with details of the proposed NFL) is necessary.
- For Stage II, the NFL has to be mutated in the name of the Forest Department and the area has to be declared as a forest under provision of Indian Forest Act, 1927, before the Stage II is given.

4. Violations

- Unless specifically verified by the DFO, any violation before application of case for FCA shall be deemed as violation of provisions Indian Forest Act, 1927.
- If the UA carries out violation after case for FCA has been applied, or if the violation is before the case was applied and the UA has continued violation even after applying the case for FCA approval, then the violation is deemed as violation of provisions of Forest (Conservation) Act, 1980
- Penalty under IFA, 1927 is less harsh and the violation is compoundable by paying the fees prescribed by the Govt. However, penalty under FCA, 1980 is severe and cannot be compounded and prescribed penalty is imprisonment.
- Even if the power to grant approval is delegated to the State govt like in the cases of General Approval or cases of 0.1ha under the amended Act, the case will go to GoI, New Delhi if the violation is of FCA, 1980

Guidelines On De-Silting of Dams

1.0 While going for de-silting of dams, the major document to be referred is the National Framework for Sediment Management 2022, issued by the Ministry of Jal Shakti, Department of Water Resources, River Development & Ganga Rejuvenation, Govt of India read in conjunction with Operational Procedures for Assessing and Managing Environmental Impacts in Existing Dams and Projects, 2020 issued by the Central Water Commission, Ministry of Jal Shakti. Department of Water Resources, River Development & Ganga Rejuvenation, GoI as well as the Forest (Conservation) Act, 1980 and its Consolidated Guidelines 2023 issued by the Ministry of Environment, Forest, and Climate Change, GoI.

2.0 Accordingly, the following points are to be followed:

- (i) In case of desilting of dams environment clearance and forest clearance can be exempted only in case
 - The desilted material is dumped outside the forest area.
 - The desilted material is not used for commercial gains.
- (ii) If the desilted material is to be used for any commercial purpose and even for departmental activities like using in construction of building etc, there is no exemption of Forest or Environmental clearance. Approval under FCA has to be taken.
- (iii) If forest NOC was already taken under the FCA for the construction of the Dam and the reservoir area, permission for de-silting can be applied as "re-diversion" case under the FCA, which is a simplified procedure and with no new fees, provided
 - The area where the de-silting is to be done is the same area for which NOC under FCA was earlier granted
 - De-silting activity is done only for the purpose of maintenance of the dam and for the restoration of water levels etc, without any new structures being constructed for the purpose.
- (iv) If the Dam was constructed before the coming into force of the FCA in 1980 and hence no NOC under FCA was taken, then de-silting in the



same area will not attract the provisions of FCA, only a simple NOC from the DFO will suffice.

**3.0 In case of desilting of rivers, the scenario was categorized into two namely:
During Emergent situations:**

(i) In cases of floods or any other emergent situations if any area needs to be desilted then exemptions under FCA can be sought and permission can be given by DFO concerned at site. However, such permission will be subject to the following conditions

- The activity should be of emergent nature and for public purposes
- The activity is unavoidable and there is no other alternative
- The activity should be temporary in nature and should not exceed a period of two weeks in a single approval and should not exceed 60 days in a year for the said forest area.

(ii) In case trees need to be removed from the banks of canals during floods to block breaches and to help divert the flow of water as flood management practice, it may be done by the DFO as petty felling and as prescribed in the Working Plan of the Forest Division. During floods and emergency situations the concerned EXEN's of the Water Resources Department can sit together with the DFO's to resolve the above matter even if the trees are numbered/Enumerated by the Forest Department.

In day-to-day desilting activities:

(i) If some area to be desilted comes under forest area/PLPA then for getting forest exemption under FCA the activities have to be restricted to flood protection measures. In such cases the dumped material disposed can be used for strengthening of banks or other flood management activities without associating any commercial aspect to it. In rest all cases approval under FCA is pre-requisite.

Note: The above guidelines are subject to any new guidelines which may be issued by the Govt from time to time and as Supreme Court/High Court/NGT orders which may be passed by the Hon'ble Courts from time to time.

JP Singh
D. B. F.

h7

Financial Commissioner,
Department of Forest & Wild Life Preservation